

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 15, 2004

CALL TO ORDER/NOTING OF QUORUM

Chairman Herriman called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Major Anderson, Industry Liaison Okey and Executive Secretary Webb.

Jim Calvert of Olinger, Ronna Chappell of ILBA, Jerimi Ullom of Barnes & Thornburg and Lisa Goldner of Bose McKinney and Evans were present as observers.

DISPOSITION OF MINUTES

Commissioner Davis moved to approve the minutes that were submitted for the June 1, 2004 meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Commissioner Davis moved to approve the PAD forms that were submitted for the June 15, 2004 meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

DL45-82281 JASSY, INC. – Vice Chairperson Glass stated this is a type 208 Alcohol and Tobacco Commission pharmacy permit. On April 19, 2004, Health Professions Bureau revoked this permittee's pharmacy license. Because one of the qualifications of holding a type 208 Alcohol and Tobacco Commission permit is to hold a valid pharmacy license, the permittee no longer qualifies to hold the alcoholic beverage permit.

Vice Chairperson Glass moved to revoke the type 208 permit. Motion seconded by Commissioner Davis and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

Four hundred forty-seven (447) renewals approved, forty-five (45) new and/or transfer permits approved, ten (10) permits conditionally approved, nine (9) permits approved for catering, eight (8) permits approved for first year escrow, five (5) permits approved for second year escrow, five (5) permits approved for third year escrow and one (1) permit approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Davis and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR82-21005 CLAY A. BECKNER, D/B/A HOOSIERLAND II – Vice Chairperson Glass noted this is a new type 106 application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR20-01652 JKG, LLC, D/B/A SPORTS LOCKER – Vice Chairperson Glass noted this is a type 210 transfer of ownership and location application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the transfers. Motion seconded by Commissioner Marks and it was unanimously approved.

DL83-20964 CASEY'S ENTERPRISES, LLC – Vice Chairperson Glass noted this is a new type 115 application with the local board voting four (4) to zero (0) to disapprove. There were remonstrators present at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

DL29-21017 WAL-MART STORES EAST, LP – Vice Chairperson Glass noted this is a new type 208 application with the local board voting three (3) to one (1) to approve. Remonstrators were present at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

DL29-21048 MEIJER STORES LP – Vice Chairperson Glass noted this is a new type 208 application with the local board voting three (3) to one (1) to approve. Remonstrators were present at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR49-20749 DWE, INCORPORATED, D/B/A REFLECTIONS – Vice Chairperson Glass noted this is a new type 209 application with the local board voting four (4) to zero (0) to disapprove. The local board stated there was no need or desire in the community for these services.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

DL18-21015 WAL-MART STORES EAST, LP – Vice Chairperson Glass noted this is a new type 208 application with the local board voting three (3) to one (1) to approve. The local board member who voted to deny the permit stated this permit would have a negative impact on the neighborhood and the community.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RC85-06967 WABASH COUNTRY CLUB – Industry Liaison Okey stated that this permittee has a type 211-3 social club permit, but would like to have that permit converted to a restaurant permit. The permittee just recently found out that the location of this permit was annexed into the city limits of Wabash in 1997. The permittee would like to request that the Commission convert this permit from a type 211-3 permit to a type 210 permit.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Marks and it was unanimously approved.

RR46-04196 ROBERT LANTZ, D/B/A BOBBY GEORGE'S – Chairman Herriman stated that this was a recommended denial of a renewal by the LaPorte County Local Board and an upholding of that denial by the Commission. After further review of the file, it appears that the local board did not have all of the facts concerning this permittee when they made their recommendation, so the permittee may not have received a fair hearing.

Vice Chairperson Glass moved to remand this renewal application to the local board for reinvestigation. Motion seconded by Commissioner Davis and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make three (3) permits inactive. All three (3) permits are not subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

No Appeals from Local Board Recommendations

OLD BUSINESS

No Old Business

NEW BUSINESS

ST. IAKOVOS GREEK ORTHODOX CHURCH FUNDRAISER – St. Iakovos Greek Orthodox Church would like to serve donated alcoholic beverages at their annual fundraiser.

INDIANAPOLIS SYMPHONY ORCHESTRA *ESTATE OF THE ARTS* – Indianapolis Symphony Orchestra would like to serve donated alcoholic beverages at their *Estate of the Arts* fundraiser.

CHRISTEL HOUSE FUNDRAISER – Christel House would like to serve donated alcoholic beverages at their fundraiser.

ATHENAEUM FOUNDATION/RATHSKELLER WINE & BREW FEST – The Athenaeum Foundation would like to use donated alcoholic beverages at the Rathskeller Wine & Brew Fest.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

UNDER ADVISEMENT

Nothing Under Advisement

ANNOUNCEMENTS

PUBLIC HEARING – Executive Secretary Webb stated there is going to be a public hearing on July 26, 2004 at 10:00 a.m. concerning the following LSA Documents: LSA Doc #03-319 beer kegs, LSA Doc #04-115 withdrawal of consent to transfer, LSA Doc #04-112 withdrawal of extension, LSA Doc #04-110 minor loitering, LSA Doc #04-14 excursion and adjacent landsite permits, LSA Doc #04-109 revocation of denied permit and LSA Doc #04-111 sampling of beer.

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

Approved this _____ day of _____, 2004.

BART HERRIMAN, CHAIRMAN

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER